

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

Criminal No. 2:04-00097

PRINCE ANDRE PRICE

MEMORANDUM OPINION AND ORDER

Before the court is defendant's motion for issuance of a Rule 17(c) subpoena (Doc. # 82). For reasons more fully explained herein, defendant's motion is **GRANTED**.

Defendant Prince Andre Price ("Price") is scheduled to appear before this court for a hearing to determine whether his supervised release should be revoked on July 21, 2011. The revocation hearing arises out of Mr. Price's dismissal from Dismas Charities on May 31, 2011, where Mr. Price was to spend a six-month term of community confinement, pursuant to this court's Order entered February 2, 2011. In his instant motion for issuance of a subpoena, Mr. Price seeks:

A copy of the entire file maintained by Dismas Charities during the defendant's recent stay at their facilities. This request would include all electronic and other written requests submitted by the defendant to Dismas which requested treatment for dealing with mental health issues.

Motion for Issuance of a Subpoena, p. 1. Mr. Price seeks the production of these materials so that his attorney can "sufficiently and effectively represent the defendant in [this

case]."

The court is satisfied that the documents sought by Mr. Price constitute relevant, evidentiary material. Further, the court finds defendant's request to be sufficiently particular, such that production of the documents would not pose an undue burden for Dismas Charities.

Accordingly, the court hereby **ORDERS** the issuance of the following subpoena compelling the custodian of the specified documents to produce them to the Clerk of Court for the United States District Court for the Southern District of West Virginia, Charleston Division, 300 Virginia Street, East, Room 1200, Charleston, West Virginia, 25301, on or before Monday, July 11, 2011. The court is directed to make the documents a part of the record in this case immediately upon their receipt.

SUBPOENA: Custodian of Records
Dismas House Charities
Charleston, West Virginia

A copy of the entire file maintained by Dismas Charities for Prince Andre Price, encompassing the time period of defendant's stay there. This request includes all electronic and other written requests submitted by the defendant to Dismas Charities, requested treatment for mental health treatment.

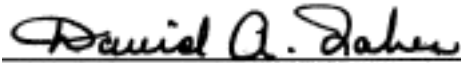
As the defendant has been determined to be indigent, the court directs that the fees of witnesses and the costs of process associated with this subpoena be paid in the same manner as when

witnesses are subpoenaed by the United States, pursuant to Federal Rule of Criminal Procedure 17(b).

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and to the Probation Office of this court.

It is **SO ORDERED** this 5th day of July, 2011.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge